

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 9, 2003

The Marlboro Township Council held a "Special" Council Meeting on September 9, 2003 at 8:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher announced that pursuant to the provisions of the Open Public Meetings Act, notice of this special meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on August 18, 2003; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski, Councilwoman Singer and Council President Karcher (Absent: Mione).

Also present were: Mayor Scannapieco, Jonathan Williams, Esq., Business Administrator Chris Marion and Municipal Clerk Alida DeGaeta

The following Resolution #2003-252 (Award of Bid - Silagy Landscaping - 911 Memorial) was introduced by reference, offered by Councilman Kovalski and seconded by Councilman Denkensohn. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2003-252

A RESOLUTION AWARDING A CONTRACT TO
SILAGY LANDSCAPING, INC. FOR THE CONSTRUCTION
OF THE REFLECTIONS MEMORIAL IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the construction of a Marlboro 9/11 Memorial ("Memorial") to commemorate the victims of the 9/11 terrorist attack on the United States of America and on August 27, 2003 received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

1. Silagy Landscaping, Inc., 614 Old Post Road, Edison, NJ 08817 for the amount of \$123,255.00; and
2. Lucas Electric Co., Inc., 1381 Route 130, Box 329, Windsor, NJ 08561 for the amount of \$129,925.00.

WHEREAS, the Township Administration and the Township's Consulting Engineers have reviewed the said bids received and recommended that same be awarded to Silagy Landscaping, Inc. as the lowest responsible bidder; and

WHEREAS, since the amount of the bid is excess of the available funds for the Memorial, it shall be a condition of approval that the awardee shall reduce the base bid of \$123,255.00 by applying the deletion items (as described hereinbelow), dropping the total bid price to \$88,315.00 ("Adjusted Bid Price"), said amount being within the funds allocated for the Memorial; and

WHEREAS, the deletion items to be applied are as follows:

Deletion Item	Description	Bid Item	Quantity	Amount
DEL-1	Delete furnish and install big blue lilyturf 1 gallon	11	270	\$ 3,240.00
DEL-2	Delete topsoil, fertilize, seed and fiber mulch all disturbed areas	12	4,000	\$11,000.00
DEL-3	Delete furnish and install concrete paver inlay in existing parking area	8	60	\$ 1,200.00
DEL-4	Delete Tree Ground Light including all wiring and service from building	7	15	\$19,500.00
TOTAL				\$34,940.00

WHEREAS, it shall also be a condition of approval that Silagy Landscaping, Inc. shall submit to the Township a Certificate of Insurance Experience as required by the bid specifications; and

WHEREAS, funds for the Adjusted Bid Price are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Silagy Landscaping, Inc. to construct the Memorial for the Township of Marlboro, provided that the awardee complies with the aforementioned conditions.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Silagy Landscaping, Inc. of Edison, New Jersey to construct a 9/11

Marlboro Memorial ("Memorial") to commemorate the victims of the 9/11 terrorist attack on the United States of America for the Township of Marlboro; and

BE IT FURTHER RESOLVED, that this award is conditioned on Silagy Landscaping's reduction of the base bid amount by application of the deletion items in accordance with the bid specifications and the bid submitted and its delivery of a Certificate of Insurance Experience to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Silagy Landscaping, Inc. in a form to be approved by the Township Attorney, for the construction of the Memorial; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Silagy Landscaping, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. CME Associates, Consulting Engineers
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 8:25pm, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing contract negotiations, property acquisition and litigation. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mione). Recess was called and the closed session commenced at 8:35 PM.

RESOLUTION # 2003-253

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 9th day of September, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 120 minutes. Those items discussed in executive session shall remain confidential until such time as

confidentiality is no longer required. Action may be taken following the executive session.

At 10:50PM, Councilman Kovalski moved that the meeting be opened. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot.
(Absent: Mione).

At 10:51 PM, Council President Karcher moved that the meeting be adjourned. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot.
(Absent: Mione).

MINUTES APPROVED: October 23, 2003

OFFERED BY: Kovalski AYES: 4

SECONDED BY: Denkensohn NAYS: 0

ABSENT: Mione

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT